

2003P04859 - Application No. 10/552,708
Response to Office action May 15, 2009
Response submitted August 17, 2009

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1 and 3-7 remain in the application. Claim 5 has been amended. Claim 2 was previously cancelled.

In item 1 on page 2 of the above-identified Office action, the drawings have been objected to under 37 CFR 1.83(a).

The Examiner alleges that the projection of claim 5 must be shown or cancelled from the claims. Claim 5 has been amended to remove the projection. Therefore, the objection to the drawings by the Examiner has been overcome.

In item 3 on page 3 of the above-identified Office action, claim 5 has been rejected as being indefinite under 35 U.S.C. § 112.

The Examiner alleges that the claim does not recite the location of the projection and that without the location the claim is unclear. Claim 5 has been amended so as to further clarify the claim. Therefore, the rejection of claim 5 has been overcome.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are not provided for overcoming the prior art nor for any reason related to the statutory requirements for a patent.

In item 5 on page 3 of the Office action, claims 1 and 3-7 have been rejected as being fully anticipated by Affolder (U.S. Patent No. 4,372,903) under 35 U.S.C. § 102.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

the lever arm for being secured to an adjustable stop, the adjustable stop disposed on the deflection lever and adjustable with respect to the deflection lever along an axis disposed perpendicular to a rotational axis of the shaft for setting an angular position of the adjusting device in the recess.

On page 4 of the Office action the Examiner alleges that Affolder discloses "the adjustable stop disposed on the deflection lever (50) and adjustable with respect to the deflection lever (50) along an axis disposed perpendicular to a rotational axis of the shaft (along 62) for setting the angular position of the adjusting device in the recess (the groove 61 in the plate adjusts the stop 48 in the plane of the page and the rotational axis of the shaft extends out of the page, any axis in the plane of the page, vertical or horizontal, is perpendicular to the rotation axis of the shaft)."

It is respectfully noted that the Examiner's allegation is not accurate. Particularly, the Examiner uses the term "groove" and refers to reference numeral "61". Affolder explicitly discloses that the element designated with reference numeral "61", is a "raised portion" (column 2, lines 55-57). A raised portion is exactly the opposite of a groove or a recess.

Even in Fig. 2 of Affolder, it is not recognizable that the element designated with reference numeral "61" could be a groove. Fig. 2 explicitly shows that the bolts (44, 46) project above the plate (39). Therefore, the raised portion (61) is provided in order to make free movement of the crank arm member (50) possible above the bolts (44, 46). This makes it possible for the crank arm member (50) to pivot about the pivot connection (48) during movement of the crank arm (50).

Accordingly, interpreting the reference numeral "61" in Fig. 2 as a groove is not reasonable, as the crank arm member (50) would be blocked by the bolts (44, 46). This is because the crank arm member (50) would be directly adjacent the plate (39). Thus, the bolts (44, 46) would block the crank arm (50).

Therefore, it is respectfully noted that the Examiner's allegation that the raised portion "61" is a groove, is in error.

Furthermore, it is respectfully noted that the Examiner's allegation with respect to the movement of element "48" along an axis ("groove") is in error. Particularly, in Fig. 2 of Affolder, a plate (39) is illustrated. The raised portion

(61) is disposed on the plate (39). Affolder discloses arcuate recesses (40, 42) are formed in the plate (39). The recesses (40, 42) are aligned coaxially to the axis (54) described as "center of rotation" in column 2, lines 63-66. The arcuate recesses (40, 42) have bolts (44, 46) disposed therein. Affolder discloses that the plate (39) can be adjusted by means of this device (column 3, lines 44-46). The bolts (44, 46) are loosened and the plate (39) can be rotated within the stops of the arcuate recesses (40, 42) for adjusting the position of the connection (48) around the axis (54). Therefore, the connection (48) is adjustable along a radius about an axis and not along an axis.

Affolder discloses that the pivot connection (48) is fixed at the raised portion (61) (column 2, lines 55-56). Accordingly, the position of pivot connection (48) is stationary with respect to the raised portion (61) as well as the plate (39). Therefore, as discussed above, Affolder discloses that the position of the pivot connection (48) can only be adjusted by a rotation of the plate (39) and the raised portion (61). When changing the position of the plate (39), the raised portion (61), and the pivot connection (48), the pivot connection (48) remains unchanged relative to the raised portion (61) and the plate (39). Therefore, the pivot

connection (48) is stationary with respect to the raised portion (61).

As seen from the above-given remarks Affolder does not disclose that the "raised portion "61" is a groove. Moreover, Affolder does not disclose that the pivot connection (48) is adjustable in an axial direction. Accordingly, it is respectfully noted that the Examiner's allegation with respect to an adjustable stop being adjustable along a groove, is incorrect.

As seen from the above, given remarks, the reference does not show the lever arm for being secured to an adjustable stop, the adjustable stop disposed on the deflection lever and adjustable with respect to the deflection lever along an axis disposed perpendicular to a rotational axis of the shaft for setting an angular position of the adjusting device in the recess, as recited in claim 1 of the instant application.

Since claim 1 is allowable over Affolder, dependent claims 3-7 are allowable over Affolder as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is,

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therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1 and 3-7 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

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Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner
Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

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